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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,553	07/24/2003	William Patrick Tunney	11884/404201	8102
23838	7590	05/02/2005	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			NGUYEN, LE V	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,553

Applicant(s)

TUNNEY, WILLIAM PATRICK

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: "claim5" needs to be changed to -- claim 5 --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
-

It is unclear what is meant by "switching on an operating system to the currently running application represented by the selected icon" as claimed in claim 5, since the operating system is always running and/or has not been turned off. The only support for this claim language has been found in section [0028] of Applicant's printed publication, which reads: "[a]fter the ALT+TAB+mouse combination has completed, the processor may then run (360) other operating system programs until receiving the next ALT+TAB input". Therefore, the examiner will interpret "switching on an operating system to the currently running application represented by the selected icon" to mean switching on to another operating system program represented by the selected icon. In regards to claim 9, the method of claim 5 includes displaying running applications and

displaying the plurality of icons. However, the specification only supports an ESC keystroke input stopping the method of displaying running applications (section [0031]). Therefore, the examiner will interpret "if...an ESC key stroke has been received, stopping the method" to mean no longer displaying running applications.

In regards to claim 11, since the step of comparing is not mentioned/supported by the specification, the examiner will interpret "resolving the position into an identification of the graphical icon to which the mouse pointer points; comparing the identification of the graphical icon against an identification of a currently highlighted icon" to mean resolve the coordinates of the pointer by associating the pointer with the graphical icon and then highlighting the icon pointed to as supported in section [0021] of the printed publication. Furthermore, the examiner will interpret the calculating step to mean matching coordinates of the mouse pointer with the region of the display icon so that the application icon id of the matched graphical icon may be retrieved to be consistent with the calculating step described in the specification (section [0015]).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Screen Dumps of Microsoft Office 2000 ("MS Office").

As per claim 1, MS Office teaches a method comprising: in response to a first keystroke, displaying a plurality of graphical icons corresponding to running applications (figs. 2-3; *originally, fig. 2 is displayed and after a first key stroke, a plurality of graphical icons are displayed via panel 310 of fig. 3*); in response to a mouse input, selecting one of the graphical icons (fig. 3; *mouse selection/input of graphical icon 320 along with its tooltip "New Appointment"*); and displaying the running application corresponding to the selected icon (fig. 4; *"New Appointment" application is running*).

As per claim 2, MS Office teaches a method wherein the first keystroke is an ALT+TAB key combination (figs. 2-3; *originally, fig. 2 is displayed and after a first key stroke ALT+TAB, a plurality of graphical icons are displayed via panel 310 of fig. 3*).

As per claim 3, MS Office teaches a method wherein the mouse input is at least one of a move of a mouse pointer and a click of a mouse button (figs. 3 to 4; *depicts resultant of the action of a mouse input comprising of a move of a mouse pointer and a click of a mouse button of graphical icon 320*).

As per claim 4, MS Office teaches a method wherein the selecting comprises detecting a position of a mouse pointer on top of the selected icon (fig. 3; *mouse pointer position detected on top of the selected icon as reflected by graphical icon 320's tooltip, "New Appointment"*), resolving the position into an identification of the selected icon and receiving the mouse input indicating the selected icon (figs. 3 to 4; *depicts resolving the position into an identification of the selected icon and receiving the mouse input indicating the selected icon, i.e. depicted is the resultant of the action of a mouse input*

comprising of a move of a mouse pointer and a click of a mouse button of graphical icon 320).

As per claim 5, MS Office teaches a method comprising: displaying a plurality of graphical icons representing currently running applications in response to a first key stroke (figs. 2-3; *originally, fig. 2 is displayed and after a first key stroke, a plurality of graphical icons are displayed via panel 310 of fig. 3*); in response to an input from a pointing device, selecting one of the graphical icons (fig. 3; *mouse input of graphical icon 320 along with its tooltip "New Appointment"*); and switching on an operating system to the currently running application represented by the selected icon (fig. 4; *"New Appointment" application is running*).

As per claim 6, MS Office teaches a method wherein the first key stroke is an ALT+TAB key combination and wherein the first key stroke is sent by one of a keyboard, a touch pad, and a touch screen (figs. 2-3; *originally, fig. 2 is displayed and after a first key stroke ALT+TAB sent by a keyboard, a plurality of graphical icons are displayed via panel 310 of fig. 3*).

As per claim 7, MS Office teaches a method wherein the pointing device is one of a mouse, a stylus, a laser pen, a trackball, a touch pad, and a touch screen (figs. 2-4; *the pointing device is one of a mouse*).

As per claim 8, MS Office teaches a method wherein the input from the pointing device is at least one of a move of a mouse pointer and a click of a mouse button (figs. 3 to 4; *depicts resultant of the action of a mouse input comprising of a move of a mouse pointer and a click of a mouse button of graphical icon 320*).

As per claim 8, MS Office teaches a method comprising: if a predetermined time period has not expired or an ESC keystroke has been received, stopping the method (figs. 3-4; *the running application will no longer be displayed upon ESC keystroke input, i.e. an ESC keystroke input in fig. 4 will result in a screen shot depicted in fig. 3*).

As per claim 10, MS Office teaches a machine readable medium containing program instructions for execution on a processor, which when executed by the processor, cause the processor to perform: in response to a first key stroke, displaying a plurality of graphical icons corresponding to running applications (figs. 2-3; *originally, fig. 2 is displayed and after a first key stroke, a plurality of graphical icons are displayed via panel 310 of fig. 3*); in response to a first mouse input, highlighting one of the graphical icons (fig. 3; *mouse selection/input of graphical icon 320 and highlighted along with its tooltip "New Appointment"*); and in response to a second mouse input, swapping a currently selected running application for the running application corresponding to the highlighted icon (figs. 4-5; *swapping a currently selected running application 430 to an email application 530 upon a second mouse input*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Screen Dumps of Microsoft Office 2000 ("MS Office") in view of Screen Dumps of Microsoft Windows Version 4.0 ("MS Win").

As per claim 11, MS Office teaches a machine readable medium containing program instructions for execution on a processor, wherein the highlighting comprises: detecting a position of a mouse pointer on a display screen (fig. 3; *detection of mouse selection/input of graphical icon 320 via highlighting along and tooltip "New Appointment"*); resolving the position into an identification of the graphical icon to which the mouse pointer points and comparing the identification of the graphical icon against an identification of a currently highlighted icon (fig. 3; *detection of mouse selection/input of graphical icon 320 via highlighting along and tooltip "New Appointment" such that the pointer coordinates are associated with the graphical icon and then highlighting the icon pointed to*). Although MS Office teaches a machine readable medium containing program instructions for execution on a processor wherein a keystroke, e.g. ALT+TAB keystroke, and a mouse pointer are used to make a selection wherein the mouse pointer highlights the icon which the mouse pointer points (figs. 2-3; *originally, fig. 2 is displayed and after a first key stroke ALT+TAB, a plurality of graphical icons are displayed via panel 310 of fig. 3*), MS Office does not explicitly disclose the keystroke to move a highlight mark from the currently highlighted icon to the graphical icon to which the mouse pointer points if the identification do not match. MS Win teaches a machine readable medium containing program instructions for execution on a processor wherein if the identifications do not match, calculate the number of times to press a key in order

to move a highlight mark from the currently highlighted icon to the graphical icon to which the mouse pointer points (figs. 2-3; *highlighted icon 350 is a result of pressing a keystroke, such as a ↓ keystroke, once in order to move a highlight mark from the currently highlighted icon 240 to the graphical icon to which the mouse pointer points 250*). Therefore it would have been obvious to an artisan at the time of the invention to include MS Win's teaching of a keystroke to move a highlight mark from the currently highlighted icon to the graphical icon to which the mouse pointer points if the identification do not match to MS Office's teaching of a keystroke and a mouse pointer being used to make a selection wherein the mouse pointer highlights the icon which the mouse pointer points in order to provide users with an additional/alternate selective electrical control from which a user may selectively control a display device.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koopmans et al. (US 5,121,477) teach a system for interactively creating action bar pull-down windows of a user interface for use at program run time.

Swonk (US 5,867,729) teaches a system for reconfiguring a keyboard configuration in response to an event status information related to a computer's location determined by using triangulation technique.

Cortesi (US 6,199,125 B1) teaches an input manager for a computer application with display icons mapped to a user selectable set of standard keyboard keys.

Gram (US 5,287,514) teaches a method and system for customizing a user interface in a computer system.

Inquires

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (571) 272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
April 25, 2005

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100